

IN THE MATTER OF THE APPLICATION OF SHIRLEY A. DINGUS FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE SOUTH-EAST SIDE BAKER SCHOOLHOUSE ROAD, 1400' SOUTHWEST OF MIDDLETOWN ROAD (3341 BAKER SCHOOLHOUSE ROAD) 6TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
\* CASE NO. 91-304-A

OPINION

The Petitioner herein requests a variance to permit an existing accessory structure to be located in the side yard in lieu of the required rear yard.

The property owner, Bryan K. Davis, appeared and amended the Petition by substituting his name as the Petitioner. Mr. Davis, testified that the subject structure is a 24-foot x 16-foot cinder block building, concrete foundation, with a peaked roof 18 feet high. It has two entrances and five windows, and is located approximately 30 feet east of the single-family dwelling located on the subject property, and was at the time of Petitioner's purchase connected only by a concrete walkway. Since that time, Petitioner has erected, pursuant to a County building permit, a 30-foot breezeway connecting the subject building to the single-family dwelling. Petitioner also offered photographs of the subject structure as exhibits.

Roger Duncan, of 3332 Baker Schoolhouse Road, which is directly west of the subject property, also testified as to his familiarity with the subject building and the surrounding neighborhood.

Case No. 91-304-A Shirley A. Dingus

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The Protestant, William J. D. Somerville, III, offered exhibits and asked the Board to take notice of the Petition and the plat contained in the Zoning Commissioner's file. From the testimony, exhibits, Petition and plat, we find the following facts.

We find as a fact that the building is approximately 50 years old and is located in the side yard of the subject property which is zoned R.C. 2. The subject building is currently being used as a den/playroom by the Petitioner and his family. The removal of the building would burden the Petitioner and cause him to incur substantial expense. There are other accessory buildings in the neighborhood compatible with the subject building. The subject building falls within the ambiance of the surrounding agricultural area and is consistent with historical farming and agricultural uses.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must produce evidence to allow the following questions to be answered affirmatively:

1. Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

Case No. 91-304-A Shirley A. Dingus

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3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

From the above facts, we make the following conclusions of law: That the strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. That strict compliance with the zoning regulations would unreasonably prevent the use of the property and would render conformance unnecessarily burdensome. That granting the requested variance would give the Petitioner substantial relief and would promote the spirit of the BCZR, without compromising the public health, safety, and welfare.

ORDER

IT IS THEREFORE this 1st day of May, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance to permit an existing accessory structure to be located in the side yard in lieu of the required rear yard be and the same is hereby GRANTED subject to the following restrictions which are conditions precedent to the relief granted:

1. Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. Said structure, which is currently supplied with electricity and cold running water, shall contain no sleeping quarters and no kitchen or bathroom facilities.

Case No. 91-304-A Shirley A. Dingus

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2. There shall be no commercial use or activities conducted in the subject building.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

C. William Clark, Acting Chairman

Judson H. Lipowitz

Harry E. Buchheister, Jr.

IN THE MATTER OF A PETITION FOR RESIDENTIAL VARIANCE: SHIRLEY A. DINGUS

\* IN THE  
\* COUNTY BOARD OF APPEALS  
\* OF BALTIMORE COUNTY  
\* ZONING CASE: 91-304A

MOTION FOR CONTINUANCE

Protestants, William and Deborah Somerville, request that the Board grant a continuance in this matter pursuant to Rule 2 of the Rules of Practice and Procedure of the County Board of Appeals, and state:

- 1) A hearing on this matter is presently scheduled for March 17, 1992.
- 2) Protestants contemplated that a joint motion for continuance would have been filed in this matter on or before March 2, 1992; that motion was not filed.
- 3) This action was filed by Shirley A. Dingus, the previous owner of the subject property (hereinafter the "original petitioner").
- 4) On or about June 17, 1991 the Zoning Commissioner rendered a decision in this case.
- 5) Protestants appealed the decision of the Zoning Commissioner and a notice of this pending appeal was issued to the parties on August 23, 1991.

6) Present owners of the subject property, Bryan and Ellen Davis, (hereinafter "present owners") bought and subsequently settled upon the subject property known as 3341 Baker Schoolhouse Road on September 23, 1991.

7) The original petitioner, Shirley A. Dingus, and her agents apparently represented to present owners that no appeal was pending and that no improvements on the property were in jeopardy; present owners had the original petitioner execute a memorandum or contract provision (that was intended to survive settlement) to that effect.

8) Present owners, relying upon that representation and concluding that they had not just "bought a lawsuit," settled upon the subject property.

9) On January 21, 1992 original petitioner, Shirley A. Dingus, indicated to present owners that the action was "your problem now."

10) Present owners were first actually notified of the pending matter at that time on January 21, 1992.

11) The pending matter affects the value of the subject property and property rights of present owners.

12) Present owners are investigating and contemplating filing suit against original petitioner and her agents.

13) Original petitioner, Shirley A. Dingus, failed to comply with the sign posting requirements of the public notice

provisions of the zoning regulations; the property has not been properly posted.

14) Present owners and Protestants are negotiating settlement of this matter; it is very probable that no hearing will be necessary.

15) Protestants submit that under these extraordinary circumstances a continuance in this matter would be in the best interests of the citizens of Baltimore County.

WHEREFORE, Protestants request this Board to continue this matter to allow time for settlement and investigation of ancillary matters.

William J. D. Somerville, III  
3401 Baker Schoolhouse Road  
Freeland, Maryland 21053  
(410) 857-2616

CERTIFICATE OF SERVICE

I hereby certify that on this 14 day of March, 1992 I served a copy of this motion upon Ellen and Bryan Davis by mailing it postage prepaid to: 3341 Baker Schoolhouse Road, Freeland, Maryland 21053.

William J. D. Somerville, III

IN THE MATTER OF A PETITION FOR RESIDENTIAL VARIANCE: SHIRLEY A. DINGUS

\* IN THE  
\* COUNTY BOARD OF APPEALS  
\* OF BALTIMORE COUNTY  
\* ZONING CASE: 91-304A

ORDER

Upon consideration of Protestants' Motion for Continuance and

WHEREAS good and sufficient reason and extraordinary circumstances have been set forth pursuant to Rule 2(b), it is this \_\_\_\_\_ day of \_\_\_\_\_, 1992

ORDERED that the motion be, and is hereby, GRANTED.

Baltimore County Board of Appeals

IN RE: PETITION FOR ZONING VARIANCE  
SE/S Baker Schoolhouse Road,  
1400' SW of Middletown Road,  
(3341 Baker Schoolhouse Road)  
6th Election District  
3rd Councilmanic District  
Shirley A. Dingus  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-304-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an existing accessory structure to be located in the side yard in lieu of the required rear yard, and another existing accessory structure with a side yard setback of 0 feet in lieu of the minimum required 2.5 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing and testifying on behalf of the Petition was Petitioner's husband. Appearing as a Protestant in the matter was William J. D. Somerville, III, Esquire.

At the onset of the hearing, Petitioner indicated that the relief requested for a side yard setback of 0 feet for another accessory structure has been rendered moot as a result of the razing of said structure. Therefore, this part of the variance relief requested shall be dismissed.

Testimony indicated that the subject property, known as 3341 Baker Schoolhouse Road, consists of 5.378 acres more or less zoned R.C. 2 and is currently improved with a two-story frame dwelling and various accessory structures as indicated on Petitioner's Exhibit 1. Petitioner testified that her child uses the accessory building as a "play house", that said building has no kitchen, bathroom, or plumbing facilities. Testimony indicated the structure does have electricity for lighting pur-

poses. Petitioner testified that should the requested relief be denied, she would suffer an undue hardship and practical difficulty.

William J. D. Somerville, III, appeared and testified as a Protes- tant. Mr. Somerville testified that he resides at 3401 Baker Schoolhouse Road, southwest of the subject property. Mr. Somerville generally argued that Petitioner had not met the "practical difficulty or unreasonable hardship" test of McLean v. Soley, and therefore, should be denied the requested relief.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.2.R. and would not result in substantial detriment to the public health, safety, and general welfare.

ORDER RECEIVED FOR FILING  
Date 6/19/91  
By [Signature]

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of June, 1991 that the Petition for Zoning Variance to permit an existing accessory structure to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. Said structure, which is currently supplied with electricity, shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) There shall be no commercial use or activities conducted in the subject building.

IT IS FURTHER ORDERED that the variance requested for another existing accessory structure with a side yard setback of 0 feet in lieu of the minimum required 2.5 feet, be and is hereby DISMISSED.

ORDER RECEIVED FOR FILING  
Date 6/19/91  
By [Signature]

JRH:bjs

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 17, 1991

Ms. Shirley A. Dingus  
3341 Baker Schoolhouse Road  
Freeland, Maryland 21053

RE: PETITION FOR ZONING VARIANCE  
SE/S Baker Schoolhouse Road,  
(3341 Baker Schoolhouse Road)  
6th Election District - 3rd Councilmanic District  
Shirley A. Dingus - Petitioner  
Case No. 91-304-A

Dear Ms. Dingus:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: William J. D. Somerville, III  
3401 Baker Schoolhouse Road, Freeland, Md. 21053

People's Counsel

File

## PETITION FOR RESIDENTIAL VARIANCE

91-304-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

400.1 --- To allow one accessory structure to be located in the side yard and another with a zero ft. side yard setback in lieu of the required rear yard and 2 1/2 ft., respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty):  
Existing concrete and masonry building is in excellent condition serving as a childrens' playhouse. It would be impossible to move. Structure does not hinder any visibility to any nearby properties. Building on property line is not our building.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, and I agree to pay expenses of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Shirley A. Dingus

(Type or Print Name)

Shirley A. Dingus

Signature

(Type or Print Name)

Signature

3341 Baker Schoolhouse Rd.

Address

Freeland MD 21053

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of Feb, 1991, that the subject matter of this petition on posted on the property on or before the 13th day of Feb, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 13 day of March, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 10M, County Office Building in Towson, Baltimore County, on the 1 day of May, 1991, at 10:30 o'clock.

[Signature]  
ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date

By

## AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-304-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 3341 Baker Schoolhouse Road, Freeland, MD 21053  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

Existing concrete and masonry building is in excellent condition serving as a childrens' playhouse. It would be impossible to move. Structure does not hinder any visibility to any nearby properties. Building on property line is not our building.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Shirley A. Dingus

AFFIANT (Handwritten Signature)

AFFIANT (Handwritten Signature)

Shirley A. Dingus

AFFIANT (Printed Name)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of February, 1991, before me, a Notary Public of the State of Maryland, in and for the County of Freeland, personally appeared

Shirley A. Dingus

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Feb 4, 1990

DATE

[Signature]

NOTARY PUBLIC

My Commission Expires:

October 1, 1992

## C. B. Miller Associates, Inc.

Registered Land Surveyors

13054 Tarragon Road

Reisterstown, Maryland 21136

(301) 833-5905 / FAX (301) 833-7409

C. Brooke Miller, R.P.L.S.

DESCRIPTION OF LOT 1  
SHIRLEY A. DINGUS PROPERTY  
2.711 ACRES

BEGINNING for the same at a point in the last or North 46 degrees 34 minutes 14 seconds West, 210.00 foot line of that parcel of land which by deed dated May 11, 1990 and recorded among the Land Records of Baltimore County, Maryland in Liber 8541, folio 508, was conveyed by Sadie A. Thomas, by Elvin E. Baer, Her Attorney in Fact, to Shirley A. Dingus, said point being located, as now surveyed, reversely 30.06 feet from the end of said line intended to be recorded prior hereto as a point on the southeasterly line of a sixty (60') right of way of Baker Schoolhouse Road, thence running and binding along said right of way,

1) South 39 degrees 42 minutes 14 seconds West, 189.11 feet to a point, thence leaving said right of way line and by a new line of division,

2) South 46 degrees 34 minutes 43 seconds East, 442.26 feet to a point in the fourth or North 44 degrees 29 minutes 07 seconds East, 555.84 foot line of the first mentioned deed, Thomas to Dingus, thence running and binding along the remainder of said line,

3) North 44 degrees 29 minutes 07 seconds East, 286.72 feet to a stone found, thence

4) North 37 degrees 27 minutes 32 seconds West, 277.00 feet to an iron bar found, thence

5) South 46 degrees 00 minutes 26 seconds West, 142.00 feet to an iron pin found, thence

6) North 46 degrees 34 minutes 14 seconds West, 179.94 feet to the place of beginning.

Containing 118108.3 square feet or 2.711 Acres of land more or less.

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 6th Date of Posting 4-15-91

Posted for: [Signature]

Petitioner: Shirley A. Dingus

Location of property: 3341 Baker Schoolhouse Road, Freeland, MD 21053

Location of Sign: 3341 Baker Schoolhouse Road

Remarks: Changed from 13th to 1st day of May - REVISED 4-26-91

Posted by: [Signature] Date of return: 4-26-91

Number of Signs: 1

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 6th Date of Posting 2-18-91

Posted for: [Signature]

Petitioner: Shirley A. Dingus

Location of property: 3341 Baker Schoolhouse Road, Freeland, MD 21053

Location of Sign: 3341 Baker Schoolhouse Road

Remarks: Changed from 13th to 1st day of May - REVISED 4-26-91

Posted by: [Signature] Date of return: 2-22-91

Number of Signs: 1



Motion Exhibit #1  
Continuance

Revised:

91-304-A

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 6th Date of Posting: September 7, 1991  
Posted for: Appeal  
Petitioner: Shirley A. Dingus  
Location of property: 3613 Baker Schoolhouse Road, 1400 SW of  
Middletown Road, 3341 Baker Schoolhouse Road  
Location of Sign: In front of 3341 Baker Schoolhouse Road  
Remarks:  
Posted by: A.J. Quata Date of return: September 13, 1991  
Number of Signs: 1

**NOTICE OF HEARING**  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case Number: 91-304-A  
SE/8 Baker Schoolhouse Road, 1400' SW of c/l Middletown Road  
3341 Baker Schoolhouse Road  
6th Election District  
3rd Councilmatic  
Petitioner(s): Shirley A. Dingus  
Hearing Date: Wednesday, May 1, 1991 at 10:30 a.m.  
Verbatim: to offer one accessory structure to be located in the side yard and another with a zero foot setback in lieu of the required rear yard and 2-1/2 ft., respectively.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
TYUW008 Apr 4

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 4-5, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4-4, 1991.

THE JEFFERSONIAN,

S. Zebe Olson  
Publisher

\$ 89.91

**REQUEST FOR HEARING**

TO THE ZONING COMMISSIONERS FOR BALTIMORE COUNTY:  
Re: Case Number: 91-304-A  
Petitioner(s): Shirley A. Dingus  
Location: 3341 Baker Schoolhouse Rd.  
I, William and Deborah Somerville, (one or more)  
Resident(s) of 3401 Baker Schoolhouse Rd  
Freeland MD 21053  
which is located approximately 1 1/2 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.  
William and Deborah Somerville  
Signature  
Date: March 23, 1991

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R-001-4150  
Number: 91-304-A  
Date: 9/13/91  
04A040014MCHRC  
04A00017PM03-29-91  
1120.00  
CASHIER VALIDATION  
Please Make Checks Payable To: Baltimore County  
04A040014MCHRC  
04A00017PM03-29-91  
1120.00  
JRK

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 4-5, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4-4, 1991.

TOWSON TIMES,

S. Zebe Olson  
Publisher

\$ 89.91

**NOTICE OF HEARING**  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case Number: 91-304-A  
SE/8 Baker Schoolhouse Road, 1400' SW of c/l Middletown Road  
3341 Baker Schoolhouse Road  
6th Election District  
3rd Councilmatic  
Petitioner(s): Shirley A. Dingus  
Hearing Date: Wednesday, May 1, 1991 at 10:30 a.m.  
Verbatim: to offer one accessory structure to be located in the side yard and another with a zero foot setback in lieu of the required rear yard and 2-1/2 ft., respectively.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
TYUW008 Apr 4

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R-001-4150  
Number  
Date  
04A040014MCHRC  
04A00017PM03-29-91  
1120.00  
CASHIER VALIDATION  
Please Make Checks Payable To: Baltimore County

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R-001-4150  
Number  
Date  
04A040014MCHRC  
04A00017PM03-29-91  
1120.00  
CASHIER VALIDATION  
Please Make Checks Payable To: Baltimore County

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R-001-4150  
Number: 91-304  
Date  
04A040014MCHRC  
04A00017PM03-29-91  
1120.00  
CASHIER VALIDATION  
Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 4/9/91

Shirley A. Dingus  
3341 Baker Schoolhouse Road  
Freeland, Maryland 21053

RE:

Case Number: 91-304-A  
SE/8 Baker Schoolhouse Road, 1400' SW of c/l Middletown Road  
3341 Baker Schoolhouse Road  
6th Election District - 3rd Councilmatic  
Petitioner(s): Shirley A. Dingus  
HEARING: WEDNESDAY, MAY 1, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 114.91 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

March 18, 1991

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-304-A  
SE/8 Baker Schoolhouse Road, 1400' SW of c/l Middletown Road  
3341 Baker Schoolhouse Road  
6th Election District - 3rd Councilmatic  
Petitioner(s): Shirley A. Dingus  
HEARING: WEDNESDAY, MAY 1, 1991 at 10:30 a.m.

Verbatim: to allow one accessory structure to be located in the side yard and another with a zero foot side yard setback in lieu of the required rear yard and 2-1/2 ft., respectively.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Shirley A. Dingus  
William and Deborah Somerville

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

March 11, 1991

Ms. Shirley A. Dingus  
3341 Baker Schoolhouse Road  
Freeland, MD 21053

RE: Item No. 307, Case No. 91-304-A  
Petitioner: Shirley A. Dingus  
Petition for Residential Variance

Dear Ms. Dingus:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer  
James E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
31st day of January, 1990.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Shirley A. Dingus

Petitioner's Attorney:

Baltimore County Government  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, MD 21204-5500  
(401) 887-4500  
MARCH 7, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: SHIRLEY DINGUS  
Location: #3341 EAFER SCHOOLHOUSE ROAD  
Item No.: 207 Zoning Agency: FEBRUARY 15, 1991

Centimeter  
Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jeff Kelly 2-7-91* *Noted and Approved Captain J. Brady J/KM*  
Planning Bureau  
Special Inspection Division

JR/HET

received  
3/1/91

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: February 22, 1991  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for February 19, 1991

The Developers Engineering Division has reviewed  
the subject zoning items and we have no comments for  
Items 298, 299, 302, 305, 312, 313, 314, 315 and 317.

For Items 300 and 316, County Review Group Comments  
are required.

For Item 310 the previous County Review Group Comments  
are still applicable.

For Item 307, the previous minor subdivision comments  
are still applicable.

ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

received  
2/28/91

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: April 2, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Shirley A. Dingus, Item No. 307

This site is located in a Master Plan designated Agricultural  
Preservation Area. As such, the policies provide for assuring that  
agriculture and the protection of agricultural soils are the priority.

This request provides for variances necessary for the  
subdivision of the property. The office does not oppose the setbacks  
as requested as long as no hardship or nuisance is placed on  
neighboring residents.

However, this office does not support the proposed location of  
the building on Lot 2. Staff requests that the petitioner  
investigate the possibility of locating the house closer to the  
street in a manner compatible with adjacent properties.

If there should be any further questions or if this office can  
provide additional information, please contact Jeffrey Long in the  
Office of Planning at 887-3211.

PK/JL/cmm  
ITEM307/ZAC1

received  
4/4/91

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth / SWM  
Mr. Powell / EIRS  
Mr. Pilson / WES  
Mr. Flowers / CBCA  
Mr. Fisher / Planning  
Mr. Richards / Zoning  
Mr. Bowling / DED  
Mr. Famili / Traffic  
Mr. Weiss / Sanitation  
Mr. Beaumont / Land Acq.  
Ms. Lutz / House Nos.  
Capt. Kelly / Fire Dept.  
Mr. Kincer / Rec. & Parks  
Mr. Brocato / SHA  
Ms. Killian / Assessments  
Mr. Butcher / C&P  
DATE: November 5, 1990

FROM: Susan Wimbley  
Bureau of Public Services

SUBJECT: District: 6C3  
Project Name: Dingus Property  
Project No.: 90460W  
Engineer: C.B. Miller Associates, Inc.  
Phone No.: 833-5905

ACTION REQUESTED:  
CRG Plan Review (Meeting Waived) :  
CRG Plan Refinement Review :  
CRG Non-Material Amendment Review :  
CRG Plan Approval Extension Review :  
Panhandle Minor CRG Plan Review :  
Minor Subdivision Review : XX

Please review the attached plan for compliance with current  
regulations and return comment to our office by 11/27/90. If you have no  
comments or do not need to review this plan, please indicate by placing  
your initials here.

Thank you for your attention to our request.

SDW:smm  
cc: File

To: Kate  
11/5/90 ucr

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, MD 21201  
887-3353  
August 23, 1991

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204  
RE: Petition for Residential Variance  
SE/S Baker Schoolhouse Road, 1400' SW of Middletown Road  
(3341 Baker Schoolhouse Road)  
6th Election District, 3rd Councilmanic District  
SHIRLEY A. DINGUS - Petitioner  
Case No. 91-304-A

Dear Board:

Please be advised that an appeal of the above-referenced case was  
filed in this office on July 15, 1991 by William J.D. Somerville, III  
Protestant. All materials relative to the case are being forwarded  
herewith.

Please notify all parties to the case of the date and time of the  
appeal hearing when it has been scheduled. If you have any questions  
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

Enclosures

cc: Shirley A. Dingus, 3341 Baker Schoolhouse Road, Freeland, MD 21053

William J.D. Somerville, III  
3401 Baker Schoolhouse Road, Freeland, MD 21053

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Zoning Variance  
SE/S Baker Schoolhouse Road, 1400' SW of Middletown Road  
(3341 Baker Schoolhouse Road)  
6th Election District - 3rd Councilmanic District  
SHIRLEY A. DINGUS - Petitioner  
Case No. 91-304-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat to accompany Petition

Unmarked - Five (5) photographs

Protestant's Exhibits: 1. Hearing Memorandum

Zoning Commissioner's Order dated June 17, 1991 (Granted with  
Restrictions)

Notice of Appeal received July 15, 1991 from William J.D. Somerville,  
III, Protestant

cc: Shirley A. Dingus, 3341 Baker Schoolhouse Road, Freeland, MD 21053

William J.D. Somerville, III  
3401 Baker Schoolhouse Road, Freeland, MD 21053

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann M. Nastarowicz, Deputy Zoning Commissioner  
James F. Dyer, Zoning Supervisor  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Chief Deputy County Attorney  
Public Services

IN THE MATTER OF A : BEFORE THE ZONING  
PETITION FOR RESIDENTIAL : ZONING COMMISSIONER  
VARIANCE: SHIRLEY A. DINGUS : OF BALTIMORE COUNTY  
: Case No. 91-304-A

NOTICE OF APPEAL

Dear Mr. Clerk:

Please note an appeal in the above captioned case from  
the decision of the Zoning Commissioner dated June 17, 1991.

Please find enclosed a check in the amount of \$150.00 to  
cover costs of the appeal and costs for posting.

William J.D. Somerville, III  
3401 Baker Schoolhouse Rd.  
Freeland, MD 21053

RECEIVED  
JUL 15 1991

ZONING OFFICE

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353

February 13, 1991

Shirley A. Dingus  
3341 Baker Schoolhouse Road  
Freeland, Maryland 21053

Re: CASE NUMBER: 91-304-A  
LOCATION: SE/S Baker Schoolhouse Road, 1400' SW of c/l Middletown Road  
3341 Baker Schoolhouse Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case  
number. Any contact made to this office should reference the case number. This letter also serves as a  
refreshing regarding the administrative process.

1) Your property will be posted on or before February 20, 1991. The last date (closing date) on which a  
neighbor may file a formal request for hearing is March 7, 1991. Should such request be filed, you will  
receive notification that the matter will not be handled through the administrative process. This will mean  
advertising of the public hearing and reporting of the property. The public hearing will be scheduled  
approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you  
will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed  
from the property and returned to this office. Failure to return the sign and post will cause your Order to be  
held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the  
day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of  
the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He  
also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD,  
THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL  
REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS  
READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.  
ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING  
MAILED TO YOU.

Very truly yours,

G. G. Stephens  
(301) 887-3391

File

March 7, 1991

Shirley A. Dingus  
3341 Baker Schoolhouse Road  
Freeland, Maryland 21053

Re: CASE NUMBER: 91-304-A  
SE/S Baker Schoolhouse Road, 1400' SW Middletown Road  
3341 Baker Schoolhouse Road

Dear Petitioners:

A formal request having been filed, this matter must be scheduled for a public hearing.

As you recall, it will now be necessary to re-post the property and run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

G. G. Stephens  
(301) 887-3391

August 23, 1991

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Residential Variance  
SE/S Baker Schoolhouse Road, 1400' SW of Middletown Road  
(3341 Baker Schoolhouse Road)  
6th Election District, 3rd Councilmanic District  
SHIRLEY A. DINGUS - Petitioner  
Case No. 91-304-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on July 15, 1991 by William J.D. Somerville, III Protestant. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

Enclosures

cc: Shirley A. Dingus, 3341 Baker Schoolhouse Road, Freeland, MD 21053

William J.D. Somerville, III  
3401 Baker Schoolhouse Road, Freeland, MD 21053

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

File

Comments Due: 11/27/90  
Comments Date: 12/12/90

- 91-304-A
1. Provide deed documentation of R.C.-2 ownership since 1979.
  2. On Lot #2, show building envelopes with typical setbacks.
  3. On Lot #1, dimension existing building setbacks. Show front orientation and building heights (possibly conflict with Section 400, Accessory Structures), and building straddling line.
  4. On Lot #1, indicate existing or proposed use of each structure.
  5. Indicate distance to centerline of nearest street intersection (Middletown Road).
  6. Add to notes: election and councilmanic district.
  7. Clarify ownership of use in common, right-of-way agreement (Lot #2).
  8. Building straddling property line on Lot #1 with adjacent Baer Property; need variance for zero lot line setback.
  9. Note on the plan under the density calculation: "THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SHOWN SINCE THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS".

If you have any questions, please do not hesitate to call me at 887-3391.

Laurence J. Goetz  
LAURENCE J. GOETZ  
ZONING ASSOCIATE

cc: Current Planning  
/Waiver File

Development Name: Dingus  
Developer's Name & Address: Brooke Milko  
Engineer's Name & Address: 333-1350  
AGENCIES RESPONDING:  
SHA...LARRY...BRADATO -  
KILLIAN...JEFF BLDG and F.  
CAP Telephone...  
Recreation & Parks...PAT KINCKER...WASH + SUB  
DEPRM/SWN...416 NAB (2nd PT)  
DEPRM/MGS...BRUCE SEEBLEY  
DEPRM/EIRS...416 NAB  
DEPRM/CBCA...  
OP2/Current Planning...REG 107 Jym  
OP2/Zoning...SA F.  
Fire Dept...CAPT KELLY  
DPW/DED...BOB BOWLING (MR. K. K. K.) Dennis P. Kennedy  
DPW/Traffic Eng...RAHEES FAMILI  
DPW/Sanitation...BOB MOORE / KEN ANGEIN  
DPW/Land Acq...WASH...WFO  
DPW/House Nos. & St. Names...SHARON...-2-91  
Project Status Summary:

Status Report by \_\_\_\_\_ Date \_\_\_\_\_

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-304-A  
SHIRLEY A. DINGUS  
SE/S Baker Schoolhouse Rd., 1400'  
SW of Middletown Rd. (3341 Baker  
Schoolhouse Road)  
6th Election District;  
3rd Councilmanic District  
VAR-existing structure in side yard  
in lieu of rear yard (play house)  
6/17/91 - Z.C.'s Order GRANTING  
VAR w/restr.

ASSIGNED FOR: TUESDAY, MARCH 17, 1992 AT 10:00 a.m.

cc: Shirley A. Dingus - Petitioner  
Bryan K. Davis - Property Owner  
William J.D. Somerville, III - Protestant

People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
Public Services  
Lawrence E. Schmidt  
Timothy M. Kotroco  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning  
Administration  
LindaLee M. Kuszmaul  
Legal Secretary

NOTICE OF REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-304-A  
SHIRLEY A. DINGUS  
SE/S Baker Schoolhouse Rd., 1400'  
SW of Middletown Rd. (3341 Baker  
Schoolhouse Road)  
6th Election District;  
3rd Councilmanic District  
VAR-existing structure in side yard  
in lieu of rear yard (play house)  
6/17/91 - Z.C.'s Order GRANTING  
VAR w/restr.

which was scheduled for hearing on March 17, 1992 was CONTINUED ON THE RECORD and has been

REASSIGNED FOR: WEDNESDAY, APRIL 8, 1992 AT 1:00 p.m.

cc: Shirley A. Dingus - Petitioner  
Bryan K. Davis - Property Owner  
William J.D. Somerville, III - Protestant  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning  
Administration  
LindaLee M. Kuszmaul  
Legal Secretary

April 25, 1991

Shirley Dingus  
3341 Baker Schoolhouse Road  
Freeland, Maryland 21053

Re: Case Number: 91-304-A  
SE/S Baker Schoolhouse Road  
3341 Baker Schoolhouse Road  
6th Election District - 3rd Councilmanic  
Petitioner(s): Shirley A. Dingus  
CHANGE IN DATE AND/OR TIME OF HEARING

Please be advised that Public Hearing of the above captioned matter will now take place as follows:

DAY: WEDNESDAY  
DATE: MAY 1, 1991  
TIME: 1:30 p.m.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
Baltimore County

JRH:gs

cc: William and Deborah Somerville

4-25-91 - Phone # 329-6029 disconnected  
Unable to contact Mr. Dingus.

1/13/92 - Following parties notified of hearing set for March 17, 1992 at 10:00 a.m.:

Shirley A. Dingus  
William J. D. Somerville, III  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
Public Services  
Lawrence E. Schmidt  
Timothy M. Kotroco  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon

2/07/92 - Letter from Bryan K. Davis /new property owner of 3341 Baker Schoolhouse Road /advising Board of his purchase of property on 2/24/91.

3/16/92 - Motion for Continuance filed w/Board by William and Deborah Somerville, Protestants/Appellants. Both parties (Davis and Somerville) will be present at scheduled hearing on Tuesday, 3/17/92 /pursuant to confirmation by telephone 3/16/92.

3/17/92 - Above parties notified of continuance on record and reassignment to April 8, 1992 at 1:00 p.m.





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

May 1, 1992

Mr. William J.D. Somerville, III  
3401 Baker Schoolhouse Road  
Freeland, MD 21053

RE: Case No. 91-304-A  
Shirley A. Dingus

Dear Mr. Somerville:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

*Nathleen C. Weidenhammer*  
Nathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Mr. Bryan K. Davis  
Ms. Shirley A. Dingus  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of  
Zoning Administration  
Public Services

4/30/91  
Memo

Re: 91-304-A  
Shirley Dingus

1) Received postponement request from Mr. Somerville today - granted per JRH.

2) Case rescheduled for Tuesday May 14, 1991 at 11:30 a.m.

3) Confirmed above via telephone @ Mrs. Dingus at 343-2563

① Mr. Somerville's office 876-2085 x2616  
Left message with Rosemarie.

4) Ensured necessary changes made in red docket book and JRH's calendar, kept by Marlene.

*[Signature]*

91-304-A

April 30, 1991  
8:30-33

Request For Continuance

Wm and Deborah Somerville, interested parties to this proceeding request a continuance in this matter for these reasons:

1) We were actually notified by mail yesterday, April 29, 1991, that this matter has been rescheduled.

2) We have previously scheduled commitments for the time that this hearing was rescheduled. (Meeting with Carroll Co. officials)

3) We were prepared to proceed at 10:30 am on May 1, 1991 but rescheduling to 1:30 pm will not allow us to be heard in this matter.

Please reschedule the matter giving us at least one week's notice.

*[Signature]*  
876-2085 ext 2616

It is this day of 1991 ORDERED by the Zoning Commissioner of Baltimore County that the hearing in this matter be and is hereby rescheduled in the normal course.

Zoning Commissioner

To whom it may concern:

February, 1992

On 24 September 1991, I purchased as my principal residence, 3341 Baker Schoolhouse Road, Freeland, Maryland 21053 (for account # 06-20-030025).

*[Signature]*  
Bryan K. Davis

410-329-6450

92 FEB -7 10 11 AM

Plat to accompany Petition for Zoning Variance 307

APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_  
Director of Environmental Protection and Resource Management.

NOTES:  
1) Soil types (Balto. Co. map #1) CgB2 & CgC2  
2) Zoning RC-2  
3) Tax Map #1 Block #23 Parcel #42  
4) 6th election District, 3rd Councilmatic District  
5) Census Tract 4060, Regional Planning 3018  
6) No known underground fuel or chemical tanks on this lot or adjacent properties.  
7) Buildings A.B.C. on Lot #1 to be razed by Dingus Prior To Reclamation.

ELVIN C. BARR 2241/305  
GARY GUESSENHART 7164/344  
LOT 1 1810835.5 F. 2.711 AC. S.  
CgB2  
LOT 2 10618555.5 F. 2.437 AC. S.  
CgC2  
PAULA M. PITHA-ROWE 7241/353  
USE IN COMMON RIGHT OF WAY AGREEMENT 667/607  
SUBDIVISION DINGUS PROPERTY  
FOR SHIRLEY A. DINGUS  
DEED REF: 8541/508  
TAX ACCT. NO. 06-20-030025  
TOTAL AREA = 5.370 AC. +/-  
OWNERS ADDRESS  
3341 BAKERS SCHOOLHOUSE ROAD  
FREELAND, MARYLAND 21053

91-304-A

8) Proposed use of the property-2 lots for single family dwelling  
9) Building straddling line to remain per deed agreement 8541/508  
10) This property as shown on the plan has been held intact as shown since 1910, 1953. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings.

C. B. MILLER ASSOCIATES, INC.  
13054 TARRAGON ROAD  
POTOMAC, MARYLAND 20854  
Tel: 301-221-0121

OCTOBER 25, 1990  
Revised 10/25/90  
COLUMBIA, MD

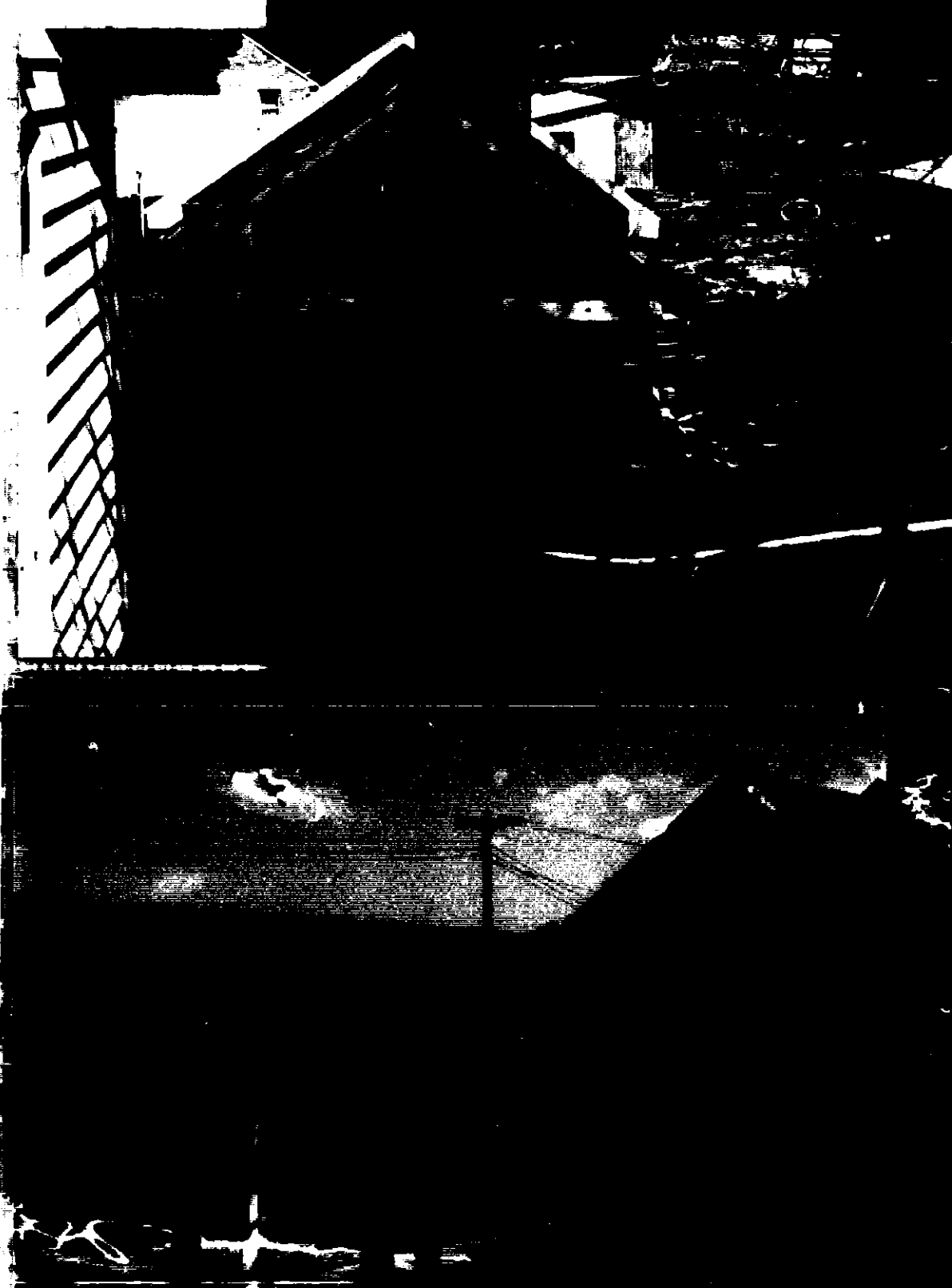
SCALE: 1"=100'  
PLOT: 1211  
207

Case # 91-304-A

Petitioner's Exhibit

Att. Exh #1 - Six photos

Att. Exh #2 -



CASE #: 91-304-A



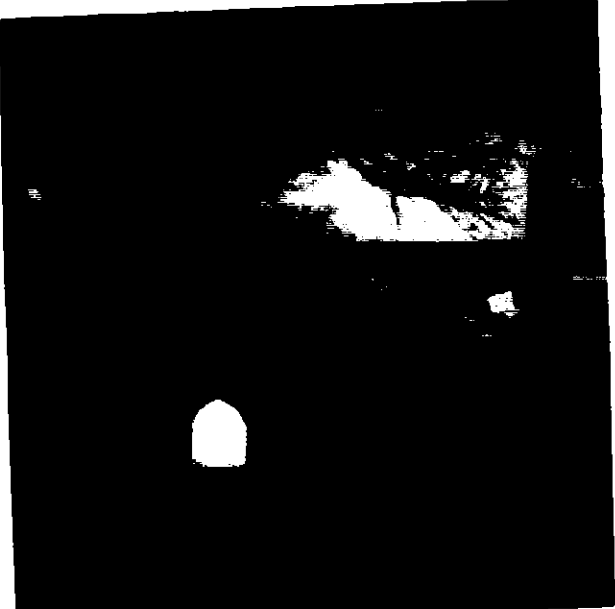
307



307

PETITIONER'S EXHIBIT #

CASE #: 91-304-A



307



307



307

PETITIONER'S EXHIBIT #

PROTESTANT'S EXHIBIT 2

IN THE MATTER OF A \* IN THE  
PETITION FOR RESIDENTIAL \* BALTIMORE COUNTY OFFICE OF  
VARIANCE: SHIRLEY A. DINGUS \* PLANNING AND ZONING  
\* CASE NO: 91-304-A

HEARING MEMORANDUM

I. Background

Petitioners seek at least one area variance so that their property -- when subdivided -- can qualify for building permits. Petitioners set forth these allegations in an attempt to satisfy the "unreasonable hardship" or "practical difficulty" standards:

Existing concrete and masonry building is in excellent condition serving as a children's playhouse. It would be impossible to move. Structure does not hinder any visibility to any nearby properties. Building on property line is not our building.

Petitioners' property is 5.378 acres located in a Master Plan designated Agricultural Preservation Area. Until Petitioners purchased the property, the property was actively farmed and it produced a variety of crops.

II. Standards

In order to properly be granted a variance a petitioner has the burden to prove that strict compliance with the zoning ordinance would result in "practical difficulty" or

"unreasonable hardship", McLean v. Soley, 270 Md. 208 (1973).

3d of 6 grounds  
Part. Exh #2

In the instant case Petitioners' allegations do not come close to satisfying the "unreasonable hardship" standard. Anderson v. Board of Appeals, 22 Md. App. 28 (1974). The standard that needs to be met for an area variance, such as the one sought in the instant case, is that of "practical difficulty." Stacy v. Montgomery County, 239 Md. 189 (1964). According to the Court of Special Appeals in Anderson v. Board of Appeals, 22 Md. App. 28 (1974) in order to satisfy the criteria of "practical difficulty" petitioners must set forth favorable evidence on these issues, among others:

- 1) Whether strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome?
- 2) Whether the grant would do substantial justice to the applicant as well as other property owners or whether a lesser variance would give substantial relief?
- 3) Whether relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured?

Evidence offered by Petitioners based on the instant petition does not satisfy the standard.

Furthermore, the basis for excusing a property owner from the ordinance cannot be one that is "self inflicted" such as placing a structure too close to a property line. See Ad + Soil, Inc. v. County Commissioners, 307 Md. 307 (1986). Even if a previous property owner created the hardship or difficulty, the zoning authorities and courts still consider the hardships or difficulty "self-created" and "self-created" difficulty is a

strong ground to refuse a variance. Wilson v. Mayor and Commissioners, 35 Md. App. 417 (1977).

Even if the reason offered for a variance was not "self inflicted," the need must be "substantial" and "urgent" and "not merely for the conveniences of the applicant." Mayor and City Council v. Byrd, 191 Md. 632 (1948); McLean v. Soley, 270 Md. 208 (1973).

Reasons offered for a variance are not sufficient if they are financial hardship or financial difficulty. See Daihl v. County Board of Appeals, 258 Md. 157 (1970). The mere fact that variance set back requirements would tend to make property more profitable is not a sufficient ground to justify a variance. Easter v. Mayor and City Council, 195 Md. 395 (1950).

Finally, variances from the ordinance are only properly granted if the result would be in "strict harmony with the spirit and intent of the zoning regulations" and only if the result is without substantial injury to the "health, safety and general welfare" of the public. McLean v. Soley, 270 Md. 208 (1973). In Daihl v. County Board of Appeals, 258 Md. 157 (1970) the Court of Appeals held that an area variance in Baltimore County would be improper if the variance would effect the "aesthetic ambience" of the property in the immediate area. The Court reasoned that such a grant would not be in harmony with the spirit and intent of the regulations.

III. Conclusion

Petitioners have not met their burdens. See Burns v. Mayor and City Council, 251 Md. 554 (1968). Like a lack of evidence of unreasonable hardship, a lack of evidence of practical difficulty is good ground to refuse a variance. Ad + Soil, Inc. v. County Commissioners, 307 Md. 307 (1986).

5-13-91  
DATE

William J.D. Somerville, III  
3401 Baker Schoolhouse Road  
Freeland, Maryland 21053

PROTESTANT(S) EXHIBIT (1)



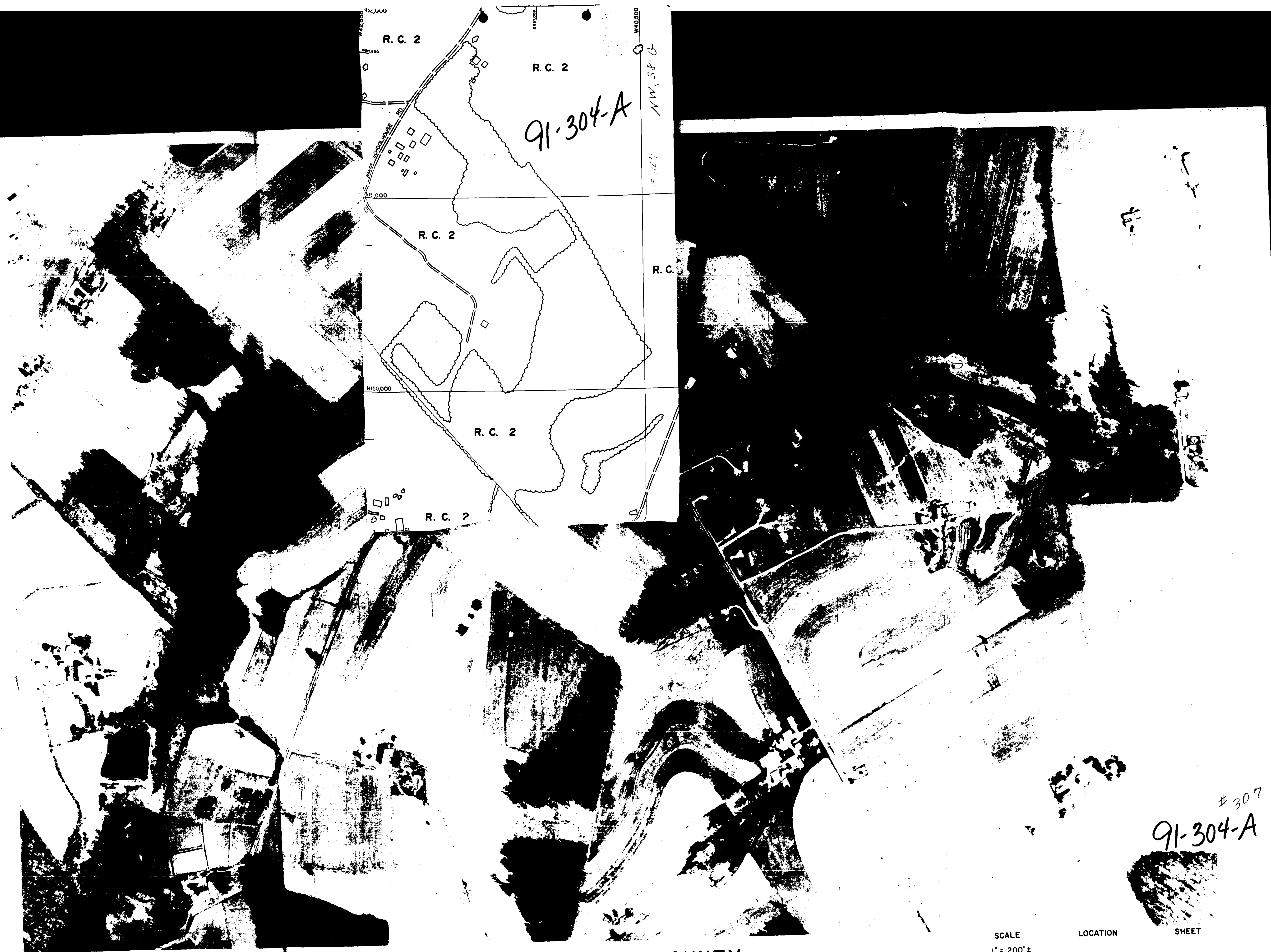
91-304A

PROTESTANT(S) EXHIBIT 2



91-304A





91-304-A

NW 38-G

#307  
91-304-A

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
WEST OF RUHL

SHEET  
N.W.  
38-G